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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,689	11/08/2001	Harri Honksasalo	NOKI14-00011	3404
30973	7590	08/10/2005	EXAMINER	
SCHEEF & STONE, L.L.P.			PHAM, BRENDA H	
5956 SHERRY LANE			ART UNIT	
SUITE 1400			PAPER NUMBER	
DALLAS, TX 75225			2664	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/035,689

**Applicant(s)**

HONKSASALO ET AL.

**Examiner**

Brenda Pham

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 8 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/11/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-22 are pending in this application.

#### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: claim 9, line 20, between "of" and "is defined", should "physical channel" be inserted.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 9-14 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lucidarme et al (US 6,675,016 B2).

Claims 1, 12, Lucidarme et al discloses a network element and method of mapping internet protocol (IP) based data and signaling data for a forming a single connection between a first station and a second station in a code division multiple access (CDMA) system, using two or more sets of physical channels, each of the physical channels in each set utilizing the same spreading factor as other physical

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channels in that set, the IP-based data including header data and application data, each of the header data, signaling data and application data being assigned to at least one transport channel ("TrCH"), the method including the steps of:

(a) mapping at least a first one of the transport channels to a first one of the sets of physical channels; and (b) mapping at least a second one of the transport channels to a second one of the sets of physical channels. **{As shown diagrammatically by the blocks 172, 173, the RRC stage controls the module 170 to multiplex the logical channels of the control plane on a first dedicated transport channel TrCH 1 and the logical channels of the user plane on a district dedicated transport channel TrCh 2....The RRC stage 15A further controls the coding and multiplexing stage 18A so that two physical channels (PhCH 1 and PhCH 2) are used to send the data respectively emanating from the two dedicated TrCHs. (column 9, lines 5-29)}.**

Claims 2-3, 13-14, Luchidarme et al further teach wherein a first spreading factor is applied to the first set of physical channels on the basis of a data rate of the first one of the transport channels, and a second spreading factor is applied to the second set of physical channels on the basis of a data rate of the second one of the transport channels; wherein the first spreading factor and the second spreading factor are different from each other. **{The spreading factor (equal to the ratio of the chip rate to the symbol rate) is a power of 2 lying between 4 and 512. This factor is chosen as a function of the bit rate of symbols to be transmitted on the PhCH. For one and the same communication, it is possible to establish several DPCHs**

**corresponding to different channel codes, whose spreading factors may be equal or different (column 5, lines 15-20 and 47-55, respectively)).**

Claims 9, 20, Luchidarme et al further teach a method according to claim 1, wherein each of the sets of physical channel is defined by a coded composite transport channel (CCTrCH) is an UTRA-based communication system (column 6, lines 22-30).

Claims 10, 21, Luchidarme et al teach a method according to claim 1, wherein one or more of the sets of physical channels includes a single physical channel **{The RRC stage 15B further controls the coding and multiplexing stage 18B so that the two TrCHs are multiplexed on a single physical channel (column 10, lines 49-54).}**

Claims 11, 22, Luchidarme et al further teach a method according to claim 1, wherein one or more of the sets of physical channels includes a plurality of physical channels

**{In the example of FIG. 7, where the dedicated transport channels are grouped onto one and the same physical channel, the differentiation of the immunity to noise results from the transport formats defined by the RRC sublayer and selected by the MAC sublayer. Of course, it would also be possible to use a process similar to what was described with reference to FIG. 6, using several PhCHs (column 10, lines 55-60).}**

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucidarme et al (US 6,675,016).

Claims 4-5 and 15-16, as explained in the rejection statement of claim 1 and 12 (parent claims), Lucidarme et al discloses all the claim limitation recited in parent claims.

Lucidarme et al further teach by providing distinct dedicated physical channels for the signaling information and the user data, it is possible to increase the robustness to noise of the signaling information while effectively managing the radio resources. The RRC sublayer can in particular allocate a higher spreading factor to PhCH1 carrying the signaling information than to PhCH 2 carrying the user data, the latter channel having a higher symbol bit rate

Although Lucidarme et al does not expressively teach wherein the second spreading factor is varied between first and second spreading factor values, it would have been obvious to implement a physical channel with varies spreading factor.

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7. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucidarme et al (US 6,675,016).

Claims 6-7, 17-18, as explained in the rejection statement of claim 1 and 12 (-parent claims) Lucidarme et al discloses all the claim limitation recited in parent claims. Although Lucidarme et al does not teach wherein the size of the header varies over time depending upon the amount or type of header compression applied, this limitation is well known in the art. It is known, for example, in the transmission of Voice over IP in particular, header fields may require considerably more bits than payload. Some of the header fields to be transferred may be compressed, which is why the size of the header fields in the IP packets to be transferred may vary considerably.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the step of wherein the size of varies header, in Lucidarme.

#### ***Allowable Subject Matter***

8. Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest in combination

wherein a full header is initially transmitted and a compressed header is subsequently transmitted, the second spreading factor applied to the second set of

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physical channel being a relatively low value for the initial transmission and being a relatively high value for the subsequent transmission.

### ***Conclusion***

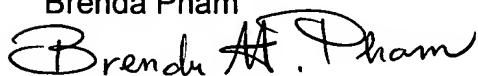
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

August 4, 2005

Brenda Pham

A handwritten signature in cursive script that reads "Brenda A. Pham". The signature is written in black ink and is positioned below the printed name "Brenda Pham".